

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.275 OF 2002

In

NOTICE OF MOTION NO.454 OF 2002

In

SUIT NO.475 OF 2002

Bank of Maharashtra : Appellant
(Orig.Plaintiff)

V/s.

Bagwe Udyog Ltd. & Ors. : Respondents

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Mr.H.J.Thakkar, senior counsel, with Mr.Umesh Shetty i/b.
M/s.Umesh Shetty & Co., for the appellant.

Mr.Prakash Gunwani i/b. M/s.Solomon & Co., for respondent
no.1.

Mr.D.D.Madon, senior counsel, with Mr.Birendra Saraf i/b.
M/s.Kanga & Co., for respondent no.2.

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CORAM : R.M.LODHA & S.A.BOBDE, JJ.

DATE : NOVEMBER 24, 2006.

P.C.

After arguing the matter for sometime, the senior
counsel for the parties agreed for disposal of the appeal
by the following order:-

- (i) Notice of Motion No.454 of 2002 is restored to
file.

- (ii) The respondent no.2 (defendant no.2) shall file reply to the Notice of Motion within four weeks from today with an advance copy to the Advocates on record for the appellant (plaintiff).
- (iii) The plaintiff shall be at liberty to file rejoinder within three weeks from the date of receipt of the copy of the reply-affidavit from the defendant no.2.
- (iv) The learned Motion Judge is requested to hear and decide the Notice of Motion afresh.
- (v) Until the disposal of the Notice of Motion, interim order passed in appeal on 19.3.2002 as modified on 27.8.2002 in Notice of Motion No.2076 of 2002 (in the Appeal) shall remain operative.
- (vi) The impugned order stands set aside with the aforesaid direction.
- (vii) All contentions of the parties are kept open to be agitated before the learned Motion Judge.

No costs.

R.M. LODHA, J.

S.A. BOBDE, J.